

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 18626 of 2002

Between:

K. DWARAKANADHA REDDY s/o. Sri K. Suryanarayana Reddy
Parapatla, Medikurthi (P.O) via Kalikiri 517 237
Chittoor District.

..... PETITIONER

AND

- 1 VISAKHAPATNAM PORT TRUST, rep. by its Chairman
Visakhapatnam.
- 2 VISAKHAPATNAM PORT TRUST rep. by its Chief Engineer,
Engineering Department, Visakhapatnam Port Trust
Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction preferably a writ in the nature of Certiorari, calling for the records relating to Proceedings No. PA/Ch./genl/2002 dated 14/8/2002 issued by the Respondent Port Trust and quash the same as being illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to consider the petitioner's case to resume duty.

Counsel for the Petitioner:MR.P.VENUGOPAL

**Counsel for the Respondent Nos.1and 2: MR.K.SRINIVASAMURTHY,
STANDING COUNSEL FOR VISAKHAPATNAM PORT TRUST**

The Court made the following :

-

ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

The petitioner herein has been initially selected as Overseer and joined duty with the respondents and subsequently, his services were terminated on the ground of unauthorized absence. Having regard to the illness, which he suffered, he went to the village and could not possibly join duty in time and therefore, it cannot be said that there is any unauthorized absence. Since the respondent was not properly considering the case of the petitioner, he earlier filed a Writ Petition No. 16962 of 2000, which was disposed on 5.7.2002 directing the respondents to consider the case of the petitioner. In terms thereof, now the respondents have passed orders dated 14.8.2002. On a reading of the entire order, the order does not disclose any reasons and it says that the case of the petitioner stands rejected. Apart from that the order does not contain any reasons as to why the petitioner is not entitled for the relief as sought for.

In the circumstances, the Writ Petition is accordingly disposed of directing the respondents to consider the case of the petitioner afresh on merits and dispose of the same in accordance with law after giving an opportunity, within a period of six weeks from the date of receipt of a copy of this order.

28.12.2004

ka

To

1. The Chairman, VISAKHAPATNAM PORT TRUST,
Visakhapatnam.
2. The Chief Engineer,VISAKHAPATNAM PORT
TRUST, Engineering Department, Visakhapatnam Port Trust
Visakhapatnam
3. 2 CD copies.